THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8259 of 2002

Dt:23.08.2007

Between:

G.N.Charyulu.

.. Petitioner

and

The Chief Post Master General and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8259 of 2002

ORDER:

The petitioner had opened several accounts in the sub-post office at Begumpet under various schemes. He states that without his knowledge and consent, the accounts were closed and in spite of his representations, no action has been taken by the superior authorities.

In the affidavit filed in support of the writ petition, the details of the accounts as well as the correspondence that ensued between the parties have been referred to.

On behalf of the respondents, counter affidavit and additional counter affidavit are filed. The fact that the petitioner opened as many as 8 accounts is admitted. It

is, however, stated that the petitioner himself signed on the withdrawal forms and handed over the pass books, authorizing a third person, to withdraw the accounts; and the accounts, in turn, were withdrawn and closed in accordance with law.

Sri A.Rama Murthy, the learned counsel for the petitioner submits that the respondents have violated all the prescribed norms, be it, in the context of closing the accounts or paying the amount to unauthorized persons. He further contends that the representation made by the petitioner, stating that he lost the pass books and that the accounts were closed contrary to Rules, was not at all taken into account.

Sri A.Raja Sekhar Reddy, the learned Assistant Solicitor General appearing for the respondents submits that the petitioner himself authorized certain individuals to withdraw the accounts, by handing over the withdrawal letters as well as the pass books, and misrepresented the facts before the authorities. He contends that the withdrawal of the accounts was done strictly in accordance with the relevant Rules.

Having regard to the fact that the petitioner is a senior citizen and the allegations are serious in nature,

this Court summoned the entire record in original as well as the authorities concerned. The petitioner also appeared in person.

From a perusal of the record, it is evident that the accounts of the petitioner were closed, on the basis of the withdrawal forms submitted on behalf of the petitioner. As regards 7 accounts, the petitioner authorized one Mr. Subrahmanyam, as a messenger, to present the withdrawal forms and for another account, the messenger is named as P.V.Ratnam. It is not as if the mere submission of withdrawal forms would entail in closure of the accounts. The original pass books are also to be submitted.

The version presented by the petitioner as regards the possession of the pass books is self-contradictory. In his representation, dated 25.07.2001, the petitioner stated that he lost his pass books. When enquired in person, the petitioner stated that he handed over all his pass books to the wife of his friend by name Sri Murthy. It is also his case that the person, who has taken the pass books, did not return them, in spite of repeated demands. Further, when the withdrawal forms were shown to him, he vouched for the genuinity of his signatures on them.

It is not as if the petitioner is an illiterate or the one non-conversant with the procedure. He is a senior officer, who retired from the Indian Airlines. He knows the implications of handing over pass books in respect of accounts for several lakhs of rupees as well as signing of the withdrawal forms. This Court is pained to note that a senior citizen, like the petitioner, does not have regard for truth. Having handed over the pass books to a third person, for his own reasons, the petitioner submitted his representation stating that he lost them. This Court is satisfied that no irregularity, as such, has taken place, in the matter of closure of the accounts of the petitioner. Even if there exists any small violation, the discretion of the Court cannot be exercised, at the instance of a person, who does not have regard for the truth.

Hence, the writ petition is dismissed. There shall be no order as to costs.

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23.08.2007

JSU